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Instrument identifies the type of loan plaintiffs received, and plaintiffs agreed they signed these documents. Thus, the Magistrate Judge is correct, absent some sort of fraud, plaintiffs have no basis for their lawsuit.

Plaintiffs then object that the Magistrate Judge erred in finding that there was no summary judgment evidence of fraud. The court finds no error. Plaintiffs have not provided evidence showing a false representation by defendant, and therefore they have not met their burden to defeat defendant's motion. Plaintiffs concede they did not receive a home equity line of credit, as originally alleged, but instead received a conventional loan with a fixed interest rate for thirty years, secured by the equity in plaintiffs' home. Plaintiffs have not produced evidence that defendant made any knowingly false representations to plaintiffs in order to induce them into signing the loan documents.

Plaintiffs also object that the Magistrate Judge concluded that they have failed to indicate what documents were not produced by defendant. The Magistrate Judge indicated that he had denied plaintiffs' motion to compel and that plaintiffs failed to demonstrate what documents needed to be produced that would be relevant to the case. Plaintiffs failed to ask for reconsideration of the denial of their motion to compel. Moreover, plaintiffs fail to demonstrate what exact documents have not been produced that would alter the outcome in this case.

Overall, plaintiffs merely repeat the same arguments made in the briefing before the Magistrate Judge. The court finds no error and agrees that plaintiffs have not raised a material fact issue to prevent summary judgment.

Having received the report of the United States Magistrate Judge, and considering the objections thereto filed by defendants this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and

conclusions of the Court.

It is, therefore, **ORDERED** that the Motion for Summary Judgment [Doc. #14] by defendant Bank of America, N.A. is GRANTED and plaintiffs' case is DISMISSED with prejudice. Defendant Angel Villegas has never appeared and shall be dismissed.

So **ORDERED** and **SIGNED** on March 8, 2013.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark
United States District Judge